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Attorneys for Federal Defendants Sued in their Official Capacities and the Federal Intervenor-Defendants (United States of America, National Security Agency, President George W. Bush)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	**No. M:06-cv-01791-VRW**
This Document Relates Only To:	**STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND DEADLINES FOR MOTION TO DISMISS AND RELATED BRIEFING IN SHUBERT V. BUSH, CASE NO. 07-693**
Shubert v. Bush, 07-693	Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

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RECITALS

1. On November 7, 2006, the Government filed a Motion to Stay MDL Proceedings, Dkt. 67-69 ("Motion to Stay"). (As in the Joint Case Management Statement, Dkt. 61, "the Government" refers to the federal defendants sued in their official capacities in these actions and the federal intervenor-defendants (United States of America, National Security Agency, President George W. Bush).)

2. On February 20, 2007, the Court granted in part and denied in part the Government's stay motion. With respect to all cases in MDL 1791 other than Hepting v. AT&T, Case No. 06-672, the Court stated that it would enter a stay pending resolution of the interlocutory appeal in Hepting if the parties stipulate to a stay. If the parties in any non-Hepting case did not stipulate to a stay, the Court ordered the defendants to answer or otherwise respond to the complaint in such case not later than March 29, 2007.

3. The Plaintiffs in Shubert v. Bush, Case No. 07-693, did not stipulate to a stay pending resolution of the Hepting appeal. However, the parties in Shubert have agreed to a modified briefing schedule, as set forth in the Stipulation below.

STIPULATION

Plaintiffs, through their counsel, and the Government, through their attorneys of record, hereby stipulate to the following schedule and request that the Court make this stipulation an order of the Court:

1. On or before May 18, 2007, the Government will file a dispositive motion and any assertion of the military and state secrets privilege in Shubert v. Bush, Case No. 07-693.
2. On or before June 29, 2007, Plaintiffs in Shubert will file an opposition to the Government's dispositive motion.
3. On or before July 20, 2007, the Government will file a reply brief in support of its dispositive motion.
4. On August 3, 2007, or at another time thereafter convenient to the Court, oral

argument will be held on the Government's dispositive motion.

DATED: March 12, 2007

Respectfully Submitted,

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/s Andrew H. Tannenbaum
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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ANDREW H. TANNENBAUM, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on March 12, 2007, in the City of Washington, District of Columbia.

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Attorneys for Plaintiffs

~~[PROPOSED]~~ ORDER

Pursuant to the foregoing stipulation, and good cause appearing, it is hereby ORDERED that:

1. On or before May 18, 2007, the Government may file a dispositive motion and any assertion of the military and state secrets privilege in Shubert v. Bush, Case No. 07-693.

2. On or before June 29, 2007, Plaintiffs in Shubert may file an opposition to the Government's dispositive motion.

3. On or before July 20, 2007, the Government may file a reply brief in support of its dispositive motion.

4. On ~~August 3, 2007, or at another time thereafter convenient to the Court,~~ August 16, 2007 at 2:00 p.m., oral argument will be held on the Government's dispositive motion.

IT IS SO ORDERED.

Dated: March 20, 2007.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
AS MODIFIED
Judge Vaughn R Walker

Ho[illegible]
Un[illegible] District Chief Judge